

# EXHIBIT E



Epstein Drangel LLP

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June 21, 2016

7014 2870 0002 1327 9078

**VIA CERTIFIED MAIL & E-MAIL**

Haigang Xia, President

X. Jewelry, Inc. d/b/a Silver Smith

1201 Broadway Suite 709-710

New York, NY 10001

x.jewelry@yahoo.com

Re: Meira T Designs – Notice of Infringement

Dear Mr. Xia:

We represent International Diamond Importers, Inc. d/b/a I.D.I. Design and Meira T Designs (collectively, hereinafter “IDI”) in connection with the enforcement of IDI’s intellectual property rights. Since 1999, IDI’s feminine, wearable, and modern jewelry designs, including its signature copyrighted jewelry designs incorporating off-center charms, sold under the Meira T brand name, have cultivated a cult-like following (hereinafter, “Meira T Jewelry Designs”). A-list celebrities and models are often pictured wearing Meira T Jewelry Designs in magazines, on television shows, and in movies. Meira T Jewelry Designs are sold exclusively by fine independent jewelry retailers, as well as upscale department stores worldwide.

All registered and unregistered intellectual property rights in and to Meira T Jewelry Designs are owned by IDI. IDI is the owner of U.S. Trademark Reg. Nos. 4,555,105 for MEIRA T and 4,555,107 for MEIRA T (stylized) (hereinafter collectively, “Meira T Marks”), as well as all copyrights in and to Meira T Jewelry Designs (collectively, “Meira T Works”), and associated trade dress, defined as “off-center asymmetric design comprising a large center jewel or piece with the size and/or quantity of pendants on one side being greater than the other side”<sup>1</sup> (hereinafter, “Meira T Trade Dress”), which collectively provide IDI with substantial proprietary rights (Meira Marks, Meira Works and Meira T Trade Dress are hereinafter collectively, “Meira T IP Rights”). This includes the right to restrict the unauthorized use of Meira T IP Rights. IDI has gone to great lengths to protect its interests in and to the Meira T IP Rights, and no one other than IDI is authorized to use the Meira T IP Rights without the express permission of IDI.

X. Jewelry, Inc. d/b/a Silver Smith (“X Jewelry”), without IDI’s permission, is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling jewelry, which is substantially similar to certain Meira T Works and/or confusingly similar to Meira T Trade Dress. We enclose herewith a picture of the Meira T Jewelry Designs at issue, as well as a picture of the infringing copies offered by X Jewelry (hereinafter “Disputed Jewelry Designs”). A side-by-side comparison of the Meira T Jewelry Designs and the Disputed Jewelry Designs confirms that your company is selling substantially similar, if not identical copies, of certain Meira T Works and is infringing one or more of the Meira T IP Rights.

<sup>1</sup> See *Int’l Diamond Imps., Inc. v. Oriental Gemco Ny, Inc.*, 2014 U.S. Dist. LEXIS 164567 (S.D.N.Y. November 24, 2014) (In denying Defendant’s Motion to Dismiss, the Hon. Judge Shira A. Scheindlin recently held that in using the same definition of the IDI Trade Dress articulated herein, IDI “has sufficiently alleged the scope of the specific trade dress”).



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X Jewelry's actions constitute, among other things, copyright infringement under 17 U.S.C. § 501, trade dress infringement, and unfair competition under 15 U.S.C. § 1125(a). Federal civil penalties for infringement of registered copyrights, provided in 17 U.S.C. § 504, allow IDI to recover actual damages, including X Jewelry's profits plus damages to IDI, or statutory damages. If pursued in court, upon showing that the infringement of Meira T Works was willful, IDI is entitled to statutory damages of up to \$150,000 per infringement plus attorneys' fees.

IDI invested substantial resources in promoting its Meira T Trade Dress and as a result of such efforts, members of the industry and IDI's customers readily recognize the Meira T Trade Dress and associate it with IDI. The Disputed Jewelry Designs manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, retailed, offered for sale, and/or sold by X Jewelry evoke a confusingly similar commercial impression to the Meira T Trade Dress. It is evident that you and/or your business(es) copied the Meira T Trade Dress in an effort to trade on the goodwill and fame associated with IDI and the Meira T IP Rights. Federal remedies for X Jewelry's actions for trade dress infringement and unfair competition include its profits, damages sustained by IDI and reasonable attorney's fees and costs of the action. The court may also increase the damages up to three times the amount found as actual damages or illicit profits (see 15 U.S.C. § 1117(b)) and issue an injunction barring further use of the Meira T IP Rights.

You should also be aware that X Jewelry may be manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling other products in addition to the Disputed Jewelry Designs which also infringe Meira T IP Rights. X Jewelry is therefore under a duty to investigate its inventory to determine whether it is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling any other products which infringe the Meira T IP Rights. Further, from the date of receipt of this letter you should not destroy, distribute, return or sell any of the Disputed Jewelry Designs or any other of X Jewelry's products that may infringe Meira T IP Rights. These items are evidence and therefore, must be preserved in the event that this matter proceeds to litigation.

Accordingly, IDI demands that X Jewelry immediately discontinue all sales of ANY and ALL Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights. Furthermore, IDI demands that you provide us with the following information:

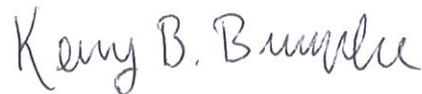
1. The quantity, location and dollar value of all existing inventories of the Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights;
2. A full accounting of all sales (dates, quantity and price) of the Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights;
3. If the Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights are not being manufactured, assembled and/or fabricated by X Jewelry, the identity and address of the person and/or entity who manufactures, assembles and/or fabricates the Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights; and
4. Written assurance by X Jewelry that the Disputed Jewelry Designs and any and all other jewelry designs that infringe Meira T IP Rights are no longer being

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offered for sale, any remaining inventory has been removed from sale, all advertising has been discontinued and your remaining inventory will be delivered to IDI for destruction.

We are hopeful that your immediate compliance with these demands will lead to a mutually agreeable basis for redressing any past infringement and ensuring future compliance with Federal copyright, trademark and trade dress laws. In view of the seriousness of this matter and the damage to IDI in the marketplace, we must have your favorable response within **seven (7) calendar days** from the date of this letter. If we do not receive a response, IDI has authorized our law firm to take all further actions necessary to protect its interests. Nothing in this letter shall be construed as a waiver or relinquishment of any right or remedy possessed by IDI.

Best Regards,

A handwritten signature in black ink that reads "Kerry B. Brownlee". The signature is written in a cursive, flowing style.

Kerry B. Brownlee

Enclosure  
cc: IDI

Disputed Jewelry Designs (infringe certain Meira T Works and the Meira T Trade Dress)	Meira T Jewelry Designs
	
	
Disputed Jewelry Design (infringes the Meira T Trade Dress)	
	



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## Delivered

### Product & Tracking Information

Postal Product:

Features:

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### Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
June 24, 2016 , 12:35 pm	Delivered, Front Desk/Reception	NEW YORK, NY 10001
Your item was delivered to the front desk or reception area at 12:35 pm on June 24, 2016 in NEW YORK, NY 10001.		
June 23, 2016 , 6:21 pm	Departed USPS Facility	NEW YORK, NY 10199
June 22, 2016 , 7:25 pm	Arrived at USPS Facility	NEW YORK, NY 10199

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